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09/974,676	10/10/2001	Toshihiro Morita	275782US6	7507

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EXAMINER
LU, CHARLES EDWARD

ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
Office Action Summary	09/974,676	MORITA ET AL.
	Examiner	Art Unit	
	CHARLES E. LU	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 July 2010*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *9,10,17 and 18* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9, 10, 17, 18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1. This Action is in response to the Amendment filed 7/8/2010. Claims 9, 10, 17, and 18 are pending and rejected.

Response to Arguments/Response to Amendments

2. The prior claim objections are withdrawn in view of the amendments to the claims.

3. Applicant's arguments with respect to the 103(a) rejections were fully considered. Applicant argues the claims as amended. The prior grounds of 103(a) rejections are withdrawn. The new grounds of objection/rejection presented below are necessitated by amendment.

Claim Objections

4. Claims 9, 10, 17, and 18 are objected to because of the following informalities:

As to claim 9, line 12, the word "covert" should be changed to <u>convert</u>.

As to claims 17-18, see claim 9.

Claim 10 depends from claim 9.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 9, 10, 17, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

As to claims 9, 17, and 18, the specification at ¶ 0142 (PgPub) may describe incompatible files and dialog boxes, but does not appear to support receiving authorization through a dialog box to convert the content, or determining that the file format is incompatible with the first and second formats.

Claim 10 depends from claim 9.

The broadest reasonable interpretation has been applied to the claims.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 9, 10, 17, and 18 are rejected under 35 USC 103(a) as being unpatentable over Wiser et al. (U.S. 6,385,596) hereinafter "Wiser," in view of Sahai et al. (U.S. Patent 6,594,699), hereinafter "Sahai," and further in view of Dodrill et al. (US 6,643,621), hereinafter "Dodrill," and Shearer et al. (US 5,579,521), hereinafter "Shearer."

As to claim 9, Wiser teaches the following claimed subject matter:

A record controlling step for controlling a record in which first data identifies a predetermined content (e.g., col. 14, ll. 40-48),

A specifying step for specifying the predetermined content from a single listing of the first data in a content list (e.g., col. 14, ll. 40-48, fig. 8 preview, selection of song to download from list).

Wiser does not expressly teach:

(1) a predetermined content stored in a first format and stored in a second format.

(2) an acquiring unit for acquiring a file format from an information processing apparatus that is operable with the information processing apparatus;

(3) a transferring step for transferring the predetermined content to an information processing apparatus in a format consistent with the file format acquired in said acquiring step/third format (as it applies to claim 17).

However, Sahai teaches or suggests (1) because a server contains predetermined content (e.g., media) stored in a first format and second format (e.g., col. 6, l. 19, MPEG1/MPEG2 formats of file). Moreover, Wiser as applied above teaches or suggests using a URL corresponding to multimedia content (e.g., fig. 8).

Sahai further teaches or suggests (2) because a server picks the appropriate file format to be played on a client (e.g., col. 6, ll. 12-20, first or second file is selected based on client capability).

Sahai further teaches or suggests (3) because a file in the chosen format is sent to a client (e.g., col. 6, ll. 19-24, 34-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser, to support (1)-(3), namely, storage, retrieval, and streaming a chosen format of a given media asset based on client capabilities, and adjustment of the encoding bit rate, as claimed. For example, a user would click to download a piece of music (e.g., Wiser, fig. 8) and Sahai would be used to determine the appropriate format of a plurality of available formats to stream to the client, based on client capabilities (e.g., col. 6, ll. 12-50). The motivation would have been to create an intelligent server system that adapts to the capability of the client, for intelligent data transfer, as taught by Sahai (e.g., col. 1, l. 55 - col. 2, l. 35).

Wiser and Sahai teach at least one server and client, but do not expressly teach "another information processing apparatus" with regard to (2)-(3) above.

However, an information processing apparatus above can be understood to be a client computer. As discussed above, Sahai gathers information from a client computer to determine a format. Wiser operates with any number of client systems (e.g., col. 5, ll. 46-48) to provide selection of content. Thus, the prior art suggests use with "another" information processing apparatus (e.g., use with other clients on a network).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that another information processing apparatus is implemented. The motivation would have been to support data

communication among several systems, and more fully utilize a network to distribute

files of an appropriate format, as known to one of ordinary skill in the art.

Wiser and Sahai as applied above do not expressly teach:

4) a determining step for determining that the file format operable with the other

information processing apparatus is incompatible with the first and second formats of

the predetermined content, and

5) a receiving step for receiving authorization through a dialog box of a graphical

user interface to convert the predetermined content into a third format identical to the

format that is operable with the another information processing apparatus.

6) a converting step for converting the predetermined content into a third format

identical to the format that is operable with the another information processing

apparatus.

However, as to (4) and (6), Dodrill teaches or suggests determining that a file

format operable with an information processing apparatus is incompatible with a format

of predetermined content (e.g., col. 15, ll. 40-60). A conversion command facilitates the

incompatible file to be converted to a compatible file (e.g., col. 15, ll. 55-65). When

combined with Wiser and Sahai as applied above, the file format of the client can be

understood to be incompatible with the formats stored on the server, and the conversion

could be understood to be a conversion to a third format (i.e., a format compatible with

the client).

As to (5), Shearer teaches or suggests receiving authorization through a dialog

box of a graphical user interface to convert predetermined content (e.g., fig. 14). As

combined, the conversion could be understood to be a conversion from the predetermined content to a third format that is operable with the information processing apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai with the above teachings, such that (4)-(6) is implemented to e.g., determine that a file format of the client is incompatible with those stored in the server, and provide a dialog box to convert the file into a format compatible with the client, as claimed. The motivation for determining incompatibility and providing conversion would have been to facilitate successful operation of files on the client computer, as taught by Dodrill (e.g., col. 15, ll. 40-60). The motivation for a dialog box would have been to facilitate user interaction and control over data processing, as could be desired by the system designer.

Thus, the combination would support determination that a client is compatible with a third format, and conversion and transfer of the data in a third format, as claimed.

As to claim 10, the combination as applied above further teaches reproducing the predetermined content stored in either the first or second file (e.g., Sahai, streaming content in the chosen file format to the client).

Claim 17 is rejected based on the same reasons as claim 9, discussed above.

As to claim 18, Wiser teaches:

A storage unit configured to store a plurality of contents in a storage area of a memory (e.g., fig. 1B, #124, col. 14, ll. 54-56);

A content ID specifying unit configured to specify the predetermined content from a single listing of the content ID in a content list (e.g., col. 14, ll. 40-48, fig. 8 preview, selection of song to download from list);

Wiser does not expressly teach:

(1) a database in which a first file ID identifying a first file of a predetermined content stored in a first format and a second file ID identifying a second file of the predetermined content stored in a second format that may be associated with a content ID that identifies the predetermined content;

(2) an acquiring unit for acquiring a file format from an information processing apparatus that is operable with the information processing apparatus;

(3) a transferring unit for transferring the predetermined content.

However, Sahai teaches or suggests (1) because a server contains predetermined content (e.g., media) stored in a first format and second format (e.g., col. 6, l. 19, MPEG1/MPEG2 formats of file). Moreover, Wiser as applied above teaches or suggests using a URL corresponding to multimedia content (e.g., fig. 8).

Sahai further teaches or suggests (2) because a server picks the appropriate file format to be played on a client (e.g., col. 6, ll. 12-20, first or second file is selected based on client capability).

Sahai further teaches or suggests (3) because a file in the chosen format is sent to a client (e.g., col. 6, ll. 19-24, 34-42).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser, to support (1)-(3), namely, storage,

retrieval, and streaming a chosen format of a given media asset based on client capabilities, and adjustment of the encoding bit rate, as claimed. For example, a user would click to download a piece of music (e.g., Wiser, fig. 8) and Sahai would be used to determine the appropriate format of a plurality of available formats to stream to the client, based on client capabilities (e.g., col. 6, ll. 12-50). The motivation would have been to create an intelligent server system that adapts to the capability of the client, for intelligent data transfer, as taught by Sahai (e.g., col. 1, l. 55 - col. 2, l. 35).

Wiser and Sahai teach at least one server and client, but do not expressly teach "another information processing apparatus" with regard to (2)-(3) above.

However, an information processing apparatus above can be understood to be a client computer. As discussed above, Sahai gathers information from a client computer to determine a format. Wiser operates with any number of client systems (e.g., col. 5, ll. 46-48) to provide selection of content. Thus, the prior art suggests use with "another" information processing apparatus (e.g., use with other clients on a network).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai, such that another information processing apparatus is implemented. The motivation would have been to support data communication among several systems, and more fully utilize a network to distribute files of an appropriate format, as known to one of ordinary skill in the art.

Wiser and Sahai as applied above do not expressly teach:

4) determining that the file format operable with the other information processing apparatus is incompatible with the first and second formats of the predetermined content, and

5) receiving authorization through a dialog box of a graphical user interface to convert the predetermined content into a third format identical to the format that is operable with the another information processing apparatus.

6) converting the predetermined content into a third format identical to the format that is operable with the another information processing apparatus.

However, as to (4) and (6), Dodrill teaches or suggests determining that a file format operable with an information processing apparatus is incompatible with a format of predetermined content (e.g., col. 15, ll. 40-60). A conversion command facilitates the incompatible file to be converted to a compatible file (e.g., col. 15, ll. 55-65). When combined with Wiser and Sahai as applied above, the file format of the client can be understood to be incompatible with the formats stored on the server, and the conversion could be understood to be a conversion to a third format (i.e., a format compatible with the client).

As to (5), Shearer teaches or suggests receiving authorization through a dialog box of a graphical user interface to convert predetermined content into another format (e.g., fig. 14). As combined, the conversion could be understood to be a conversion from the predetermined content to a third format that is operable with the information processing apparatus.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wiser and Sahai with the above teachings, such that (4)-(6) is implemented to e.g., determine that a file format of the client is incompatible with those stored in the server, and provide a dialog box to convert the file into a format compatible with the client, as claimed. The motivation for determining incompatibility and providing conversion would have been to facilitate successful operation of files on the client computer, as taught by Dodrill (e.g., col. 15, ll. 40-60). The motivation for a dialog box would have been to facilitate user interaction and control over data processing, as could be desired by the system designer.

Thus, the combination would support determination that a client is compatible with a third format, and conversion and transfer of the data in a third format, as claimed.

Conclusion

7. Applicant's amendment necessitates new grounds of rejection. Accordingly,

THIS ACTION IS MADE FINAL. See MPEP 706.07(a). Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Charles E. Lu whose telephone number is (571) 272-

8594. The examiner can normally be reached on 8:30 - 5:00; M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Apu Mofiz can be reached at (571) 272-4080. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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/Charles E Lu/
Examiner, Art Unit 2161
8/10/2010